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SUBJECT: UN HOST COUNTRY COMMITTEE: AIRPORT PARKING FEES;  
MISSION SECURITY; NY GAS TAX

REF: A. 07 USUN NEW YORK 1088

[1](#)B. 08 USUN NEW YORK 0013

[1](#)C. 07 USUN NEW YORK 0975

[1](#)1. Summary: Security incidents and removal of NYPD presence from a fixed security post at the Cuban Mission, exemptions from New York State gasoline taxes and the unwelcomed and sudden decision by the Port Authority of NY and NJ (PANYNJ) to charge parking fees to diplomatic vehicles at area airports were issues raised at the 236th meeting of the Committee on Relations with the Host Country on January [1](#)22. End Summary.

Security at the Cuban Mission

[1](#)2. While the Committee Chair had persuaded the Cuban Mission to raise its concerns (see REFTELS) at this regularly scheduled meeting, Cuban UM Permanent Representative Malmierca Diaz stated that he had called the meeting on an urgent basis to discuss security incidents at his mission and to protest the unilateral decision to withdraw New York City Police Department (NYPD) coverage from the fixed post there (Reftel A). He described a December 10, 2007 demonstration and a December 26, 2007 rock-throwing incident (Reftel B). He also referenced his mission's note to USUN (Reftel B) and reiterated its list of hostile acts against the mission and its personnel (e.g. the 1980 assassination of Felix Garcia Rodriguez and freedom granted to &terrorist8 Orlando Bosch). He cited Article 22 of the VCDR of 1961 and sought the Committee's assistance in guaranteeing that the host country took all measures to ensure security and a calm working environment, as was its responsibility under international law.

[1](#)3. USUN/HC MinCouns Graham gave assurances to the Cuban PR that the USG was very concerned about the security of the Mission and its personnel. He reminded the PR that the serious incidents mentioned had occurred over 20 years ago and that there had been many years of good cooperation with the Cuban Mission on security matters. He stated that the Department would continue to engage NYC on the question of re-staffing the fixed post and he informed the Committee that there would be a meeting Thursday, January 24, with USUN, the Cuban Mission and NYC to discuss the incidents and to develop solutions to these security concerns. He reported that the individual who had thrown a rock at the Mission's window, a Cuban migr, had been arrested and charged with a felony offense.

[1](#)4. The Chairman noted that he looked forward to the results of three-way discussions and would follow up on the issue and the next Committee meeting.

## Gasoline Tax Exemption

¶5. Italy inquired about new developments re gasoline tax charged to diplomats using gas company cards, an issue raised at last October's meeting (Reftel C). US reiterated that NY State recognized the diplomats, exemption from gasoline taxes, and that the current situation reflected a change in procedure, not policy. The change had resulted from a NY State court decision on how tax exemption was to be handled. US recommended diplomats contact the Office of Foreign Missions to obtain information on tax reimbursement and informed the Committee that the USG was working with NY State on the matter. He reported that legislation to address the NY State Court's concerns and return the process to the status quo ante was moving through the NYS legislature. The Russian Federation, China and Turkey also expressed interest in the matter being resolved as soon as possible.

## Parking Fees at NY Area Airports

¶6. China requested an update on the status of parking fees at JFK, expressing concern that many mission staffers had been affected by this unexpected occurrence (Reftel C). US responded that the airports were run by the Port Authority of New York and New Jersey (PANYNJ) and not by the USG, but that USUN had discussed missions' concerns with the PANYNJ and had understood that diplomats would no longer encounter problems at airport lots. Complaints had decreased and US hoped the matter would be resolved fully. US requested that missions still experiencing problems contact USUN Host Country Section.

¶7. Argentina intervened to complain that their mission had been charged for Parking just the day before.  
MISSION SECURITY; NY GAS TAX

¶8. The Russian Federation reiterated it did not fully understand the change in policy of free parking which had been in place for many years. He added that it was standard practice in many countries for diplomats to be able to park free when on official business at the airport. Russia appealed to the Host Country to seek to return to the original practice, particularly since, it believed, the extra revenue was probably minimal.

¶9. Ukraine confirmed that it had been paying parking fees at JFK for the past three months and echoed the request for the USG to seek a return to free parking for diplomatic vehicles on official business.

¶10. Turkey and Trinidad and Tobago also expressed the hope of hearing positive developments in this regard.

¶11. The US explained that it had learned from discussions that the PANYNJ had apparently had a policy on its books to charge fees to vehicles not transporting Ambassadors or Consul Generals but that the policy had not been enforced until now. It appeared a change in management had precipitated renewed enforcement of the policy but that there was a concerted effort to find a solution to the concerns expressed by the diplomatic community. He said that he did not know if the situation would return to that where every diplomatic vehicle was allowed free parking, however, he encouraged missions that had problems to call or write USUN so that he could convey the evidence of widespread complaints to the PA.

¶12. Comment: The apparent end to free parking at area airports has energized the diplomatic community. The PANYNJ's levying of fees, with no advance notice, is viewed as yet another erosion of courtesies for diplomats in New York. This, in addition to property tax lawsuits, parking tickets at \$115 a pop issued to drivers picking up Ambassadors, a possible NYC Congestion Charge and reported indignities repeatedly suffered by diplomats at the airport, all contribute to a growing impression among the UN diplomatic community that there is a concerted effort by the host government and host city to extract more money and to ignore the traditional status and customary courtesies

accorded to diplomats elsewhere.

¶13. On January 29, USUN/HC and OFM/NY discussed with PANYNJ officials the possibility of eliminating airport fees for diplomatic plated vehicles staying less than 24 hours at NY-area airports. PANYNJ suggested US consider submitting a written request to PANYNJ's Executive Director who would likely respond within a few months.  
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